REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed January 29, 2003. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Entry of these amendments and reconsideration to that end is respectfully requested.

The Examiner has maintained his rejection of claims 1-4, 6-8, 11-14, and 16-18 as being anticipated by U.S. Patent No. 6,266,673, issued to Hong et al (hereinafter referred to as "Hong"). Applicants have previously pointed out that the claimed invention is limited by a "user or Internet terminal" communicating via a "publically accessible digital data communication network" to perform certain functions by a "data base management system".

The Examiner has cited Hong wherein "the invention is related to the use of computer system 100 for generating and using references to objects in a data base"[1]. Hong further states that "in the computer system 100 of FIG. 1, sequences of instructions comprised by the DBMS are executed by the processor 104 to carry out requests of a database client"[2]. Thus, according to Hong, computer system 100 hosts those data base

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[1]See Hong column 4, lines 39-40.

[2]See Hong column 6, lines 11-14.

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management functions relied upon by the Examiner to support his anticipation rejection. In other words, the data base management system 202 and data base client 208 (assumed to also be a software program) are co-located within computer system 100.

Though Hong does not disclose any "user terminal", he does disclose display 112, input device 114, and cursor control 116 coupled to computer 100 via bus 102[3]. However, this does not constitute an "Internet or user terminal" as defined in Applicants' specification[4].

In responding to Applicants' previous arguments, the Examiner quotes Hong, column 6, lines 9-11, which provides:

> A database client may be a computer system, including the computer system _executing the DBMS_, or another computer system _executing another DBMS_. (Emphasis added)

Thus, the client must be in a computer system "executing" a DBMS. Hong only discloses one such computer system 100. However, it is readily known in the art that this does not preclude multiple DBMS systems co-located within the same computer system.

In further support for his position, the Examiner quotes Hong, column 2, lines 64-66, which states:

> The database to which a client connects is referred to as the local database. Other databases are referred to as remote databases.

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[3] See Hong column 4, lines 26-34.

[4] See specification at page 19, lines 3-6, for example.

Though the Examiner apparently infers from this that this means more than one computer, this is not necessarily the case. It is well known to have multiple databases within a single computer.

Completing his argument, the Examiner states:

> Furthermore, the fact that "requests can be received from an individual through a user interface provided by a client" renders the existence of the claimed "user terminal" inherent in the client system.

This finding is incorrect as a matter of law. MPEP 2112 provides:

> EXAMINER MUST PROVIDE RATIONALE OR EVI-
> DENCE TENDING TO SHOW INHERENCY
> The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)(reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); In re Oelrich, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).
> >"To establish inherency, the extrinsic evidence `must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' "
> In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Though not explicitly taught by Hong, a request could be received from an individual through a user interface involving display 112, input device 114, and cursor control 116 coupled to computer 100 via bus 102 of Hong. Thus, the Examiner has not provided evidence of inherency as required by MPEP 2112.

Claims 5, 9, 10, 15, 19, and 20 stand rejected under 35 U.S.C. 103(a) as being obvious. In response to Applicants' previous arguments that the former alleged combination does not comport with the requirements of MPEP 2143, the Examiner now alleges a new combination. However, he still does not meet the requirements of MPEP 2143, which specifies the showings needed to make a *prima facie* case of obviousness. In response to the requirement to show motivation and reasonable likelihood of success of the new alleged combination, the Examiner merely states:

> It would have been obvious to one of ordinary skill in the art at the time of the invention to use MAPPER as the database management system, since MAPPER has been tuned for reliability, scalability, and high performance, and the technology has been used for years by thousands of users for many different kinds of applications, and has gained a reputation for performing well for everything from small data analysis applications to huge transaction systems, and has exemplary reliability.

This is precisely the type of unsupported statement attacked by the Court of Appeals for the Federal Circuit stating in part:

> Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence". *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q. 2d 1614 (Fed. Cir. 1999.

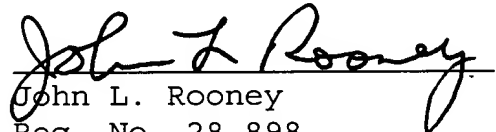Therefore, the Examiner has failed to present a *prima facie* case of obviousness.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,

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Appendix A (Support for Claim Amendment)

1. (Third Amended) In a data processing environment the improvement comprising;

a. [having a user] an Internet terminal;

b. [responsively coupled via] a publically accessible digital data communication network responsively coupled to said Internet terminal;

c. a data base management system having at least one data base responsively coupled to said publically accessible digital data network; and [, the improvement comprising:]

d. a service request generated by said [user] Internet terminal and transferred to said data base management system via said publically accessible digital data communication network which creates a non-relational empty data set with a specified data set ID within the data base management system.

2. (Once Amended) The improvement according to claim 1 wherein said data base management system further comprises a repository in which said non-relational empty data set is created.

3. (Once Amended) The improvement according to claim 2 further comprising a parameter set associated with said non-SQL service request whereby said non-relational empty data set is created in accordance with said parameter set.

4.   (Unchanged)   The improvement according to claim 3 wherein said publically accessible digital data communication network further comprises the internet.

5.   (Unchanged)   The improvement according to claim 4 wherein said data base management system is MAPPER.

6.   (Third Amended)   An apparatus comprising:

    a. [a user] an Internet terminal;

    b.   a publically accessible digital data communication network responsively coupled to said Internet terminal;

    c.   a data base management system having access to a data base responsively coupled to said [user] Internet terminal via [a] said publically accessible digital data communication network; and

    [c]d.   a service request generated by said [user] Internet terminal and transferred to said data base management system via said publically accessible digital data communication network which causes said data base management system to create an empty data set having a specified data set ID.

7.   (Twice Amended)   The apparatus of claim 6 wherein said data base management system further comprises a repository in which said empty data set is created.

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8. (Twice Amended) The apparatus of claim 7 wherein said service request further comprises a non-SQL service request having a parameter set which defines said empty data set.

9. (Unchanged) The apparatus of claim 8 wherein said data base management system further comprises MAPPER.

10. (Unchanged) The apparatus of claim 9 wherein said publically accessible digital data communication network further comprises the world wide web.

11. (Twice Amended) A method of utilizing a user terminal to access a remote data base management system having a data base via a publically accessible digital data communication network comprising:

a. transmitting a service request from said user terminal via said publically accessible digital data communication network;

b. receiving said service request by said remote data base management system; and

c. creating a non-relational empty data set by said data base management system in response to receipt of said service request.

12. (Once Amended) A method according to claim 11 wherein said creating step further comprises defining said non-relational empty data set in response to parameters associated with said service request.

13. (Once Amended) A method according to claim 12 wherein said creating step further comprises creating said non-relational empty data set within a repository of said data base management system.

14. (Unchanged) A method according to claim 13 wherein said publically accessible digital data communication network further comprises the internet.

15. (Unchanged) A method according to claim 14 wherein said remote data base management system further comprises the MAPPER data base management system.

16. (Twice Amended) An apparatus comprising:

a. means for permitting a user to interact using a non-SQL service request with a data base via a publically accessible digital data communication network;

b. means responsively coupled to said permitting means via said publically accessible digital data communication network for

offering data processing services involving access to said data base in response to said on-SQL service request; and

    c. means for creating an empty data set within said data base management system.

17. (Unchanged) An apparatus according to claim 16 wherein said publically accessible digital data communication network further comprises the internet.

18. (Once Amended) An apparatus according to claim 17 wherein said permitting means further comprises means for generating and transmitting said non-SQL service request requesting said data base management system to execute said creating step.

19. (Unchanged) An apparatus according to claim 18 wherein said offering means further comprises MAPPER data base management system.

20. (Unchanged) An apparatus according to claim 19 wherein said permitting means further comprises an industry standard personal computer.